

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF ALABAMA**

<b>IN RE:</b>	)	
	)	<b>CHAPTER 13</b>
<b>CLEVELAND D. BOLER, III and</b>	)	
<b>EVELYN D. BOLER</b>	)	<b>CASE NO. 06-30049</b>
	)	
<b>Debtor.</b>	)	

**APPELLANTS DESIGNATION OF RECORD AND ISSUES PRESENTED ON APPEAL**

Come now the Appellant, Alabama Department of Human Resources, a priority creditor and party interest in the above referenced matter and files this designation of record for appeal and issues presented on appeal.

The following is the Appellant's designation of record.

1. Docket document number 1, Chapter 13 voluntary petition, filed January 18, 2006.
2. Docket document number 2, Chapter 13 plan, filed January 18, 2006.
3. Docket document number 9, Receipt of voluntary petition, filed January 18, 2006.
4. Docket document number 21, Notice of Appearance, filed February 7, 2006.
5. Docket document number 23, Objection to Confirmation of Plan, filed January 24, 2006.
6. Docket document number 24, Response to Objection to Confirmation, filed March 7, 2006.
7. Docket document number 25, Debtor's Amended/Modified Chapter 13 plan to show Baldwin county DHR is to be paid direct and to lower payments to \$504.51 Bi-weekly, filed March 8, 2006.

8. Docket document number 30, Objection to Confirmation of Plan, filed March 14, 2006.
9. Docket document number 31, Submission Order Entered, filed April 4, 2006.
10. Docket document number 34, Debtor's Brief in Opposition to Objection to Confirmation, filed April 12, 2006.
11. Docket document number 35, Brief in Support of the Objection to Confirmation filed by the Alabama Department of Human Resources, filed April 13, 2006.
12. Docket document number 38, Supplemental Brief in Opposition to Objection to Confirmation, filed April 21, 2006.
13. Docket document number 41, Memorandum Decision/opinion, filed April 28, 2006.
14. Docket document number 42, Order Overruling Objections/Order Rescheduling Hearing, ordered April 28, 2006.
15. Docket document number 45, Amended Notice of Appearance of Child Support Creditor or Representative, filed May 5, 2006.
16. Docket document number 46, Notice of Appeal, filed May 5, 2006.
17. Docket document number 47, Receipt of Notice of Appeal, filed May 5, 2006.
18. Docket document number 48, Notice Service of Notice of Appeal, filed May 8, 2006.

The following are the Issues Presented on Appeal.

1. Whether the Bankruptcy court erred in ruling that 507(a)(1)(A) claims are not entitled to full payment prior to disbursement to any other creditors, secured or unsecured, or administrative claims except those specifically set forth in

507(a)(1)(c).

2. Whether the Bankruptcy Court erred in failing to recognize the conflict between 507(a)(1)(A), 1322(a)(2) and 1326(2)(b) of the 2005 Bankruptcy Abuse and Consumer Protection Act (BAPCPA).
3. Whether the Bankruptcy Court erred by failing to recognize and apply Congressional Intent in making the ruling.
4. Whether the Bankruptcy Court erred in relying on pre-BAPCPA case of In Re: Aldridge in the matter.
5. Whether the Bankruptcy Court erred in overruling the Alabama Department of Human Resources Objection to Confirmation.
6. Whether the Bankruptcy Court erred in ruling that under 1322(a)(2) the only statutory requirement is that a claim be fully paid and therefore can be paid “outside” the debtor’s Chapter 13 plan without the consent of the holder of the claim.

Respectfully submitted this the 15<sup>th</sup> day of May, 2006.

/s/ Richard G. Moxley, III

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**CERTIFICATE OF SERVICE**

I hereby certify that I have placed a copy of this Notice of Appeal in the US Mail postage pre-paid to Curtis C. Redding, P.O. Box 173, Montgomery, AL 36101, Cleveland D. Boler , III and Evelyn D. Boler, 2242 Hwy 31N, Deatsville, AL 36022, and Vonda S. McLeod, P.O. Box 201, Montgomery, AL 36101 on this 15<sup>th</sup> day of May, 2006.

/s/ Richard G. Moxley, III

Richard G. Moxley, III